S.B.Cr.Misc. Bail App. No. 5494/2007
(Prakash Vs. State of Rajasthan)

Date of order : 23/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. P.S.Chundawat for the petitioner.

Mr. Ashok Upadhyay Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and challan papers. I have gone through the explanation given by the Doctor who conducted the postmortem in response to the letter addressed to Medical Jurist, C.H.C. Ghatol dated 2.8.2007. The injuries and fracture of neck bone has been negatived by the Medical Jurist. From the papers available, the cause of suicide alleged to have been that the petitioner who is husband of the deceased had illicit relation with his sister-in-law (Bhabhi).

Having regard to the facts and circumstances of the case and the fact that the medical jurist did not find any injury as is evident from his explanation submitted to the communication addressed by Deputy Supdt. of Police, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Prakash S/o Shri Rakhma be

released on bail in FIR No. 79/2007 P.S. Khamera, district Banswara provided he executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP